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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11
12 Plaintiff,

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14 v.

15 KADEY FRANCIS HIGINIO,

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17 DEFENDANT.
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Case No. 2:24-mj-01002-MDC
ORDER GRANTING
STIPULATION TO CONTINUE
MOTION DEADLINES AND BENCH
TRIAL
(Second Request)

19 IT IS HEREBY STIPULATED AND AGREED, by and between Sigal Chattah, United
20 States Attorney, and Skyler Pearson, Assistant United States Attorney, counsel for the United
21 States of America, and Rene L. Valladares, Federal Public Defender, and Martin H. Novillo,
22 Assistant Federal Public Defender, counsel for Kadey Francis Higinio, that the bench trial
23 scheduled for August 20, 2025 at 9:00 am., be vacated and set to a date and time convenient to
24 this Court, but no sooner than thirty (30) days.

25 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
26 and including May 28, 2025, to file any and all pretrial motions and notices of defense.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including June 11, 2025, to file any and all responsive pleadings.

3 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
4 shall have to and including June 18, 2025, to file any and all replies to dispositive motions.

5 The Stipulation is entered into for the following reasons:

- 6 1. There is still discovery due to the defense that is outstanding in this case.
- 7 2. The defendant is out of custody and does not object to the continuance.
- 8 3. The parties agree to the continuance.
- 9 4. The additional time requested herein is not sought for purposes of delay, but
10 merely to allow counsel for defendant sufficient time to receive and review discovery materials.
- 11 5. Additionally, denial of this request for continuance could result in a miscarriage
12 of justice. The additional time requested by this Stipulation is excludable in computing the time
13 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
14 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
15 Section 3161(h)(7)(B)(i), (iv).

16 This is the second stipulation to continue filed herein.

17 DATED this 28th day of April, 2025

18 RENE L. VALLADARES
19 Federal Public Defender

SIGAH CHATTAH
United States Attorney

20 By /s/ Martin H. Novillo

By /s/ Skyler Pearson

21 MARTIN H. NOVILLO
Assistant Federal Public Defender

SKYLER PEARSON
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

v.

KADEY FRANCIS HIGINIO,
Defendant.

Case No. 2:24-mj-01002-MDC

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. There is still discovery due to the defense that is outstanding in this case.
2. The defendant is out of custody and does not object to the continuance.
3. The parties agree to the continuance.
4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to receive and review discovery.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the

1 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
2 account the exercise of due diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
4 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,
5 United States Code, § 3161(h)(7)(B)(i), (iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the parties herein shall have to and including May
8 28, 2025 to file any and all pretrial motions and notice of defense.

9 IT IS FURTHER ORDERED that the parties shall have to and including June 11, 2025
10 to file any and all responses.

11 IT IS FURTHER ORDERED that the parties shall have to and including June 18, 2025
12 to file any and all replies.

13 IT IS FURTHER ORDERED that the bench trial currently scheduled for August 20,
14 2025, at the hour of 9:00 a.m., be vacated and continued to September 24, 2025 at the hour
15 of 9:00 am in LV Courtroom 3A.

16 DATED this 2nd day of May, 2025.

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19 UNITED STATES MAGISTRATE JUDGE
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